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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

999 18TH STREET - SUITE 300

DENVER, CO 80202-2466

Phone 800-227-8917

<http://www.epa.gov/region08>

Ref: ENF-L

July 15, 2004

BY FEDEX

Mr. Tom Aldrich
ASARCO
5219 N. Shirley St., Suite 100
Ruston, WA 98407

Mr. Scott Thomas, Esq.
ASARCO
2575 E. Camelback Road, Suite 500
Phoenix, AZ 85016-4240

Dear Tom and Scott:

Please find enclosed the final consent decree for Operable Unit #1 of the Vasquez Boulevard/ Interstate 70 Superfund Site. Also enclosed is a redline between the final and the last draft you reviewed. I hope that you will find that the final document reflects the changes we have spoken of. I am unable today to mail the appendices, as we can't get them copied in time. The appendices are being copied now and will, hopefully, be overnight mailed to you within the next day or two. As I have indicated to you, the consent decree needs to be executed by Asarco prior to July 23, 2004 if the U.S. is not to file its complaint either on the 23rd or at the beginning of the next week. Please call me if you have any issues or problems, I will check my voicemail while on travel. If all goes as planned, I will forward you another extension of the access agreement next Thursday, after the consent decree has been signed by Asarco, that will give the Department of Justice the time it needs to get the decree lodged.

Sincerely,

Matthew Cohn

Legal Enforcement Program



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cc: Ginny Brannon, CO
Victor Ketellapper, EPA
Bob Homiak, DOJ